

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

DAVID CAMPBELL,

Plaintiff,

v.

STATE OF OREGON,

Defendant.

Case No. 6:22-cv-01871-HZ

ORDER TO DISMISS

HERNANDEZ, District Judge.

Plaintiff, incarcerated at the Multnomah County Inverness Jail, brings this civil rights action pursuant to 42 U.S.C. § 1983. In a separate Order, the Court granted Plaintiff leave to proceed *in forma pauperis*. However, for the reasons set forth below, Plaintiff's Complaint is dismissed because it is frivolous. *See* 28 U.S.C. § 1915(e)(2).

BACKGROUND

Plaintiff alleges that he is the victim of a broad conspiracy to bring fraudulent criminal charges against him and silence him. He claims that an employee at Central City Concern made false allegations against him, leading the State of Oregon to prosecute him for a crime to which six other individuals had confessed. The State appointed an attorney to represent Plaintiff, but Plaintiff maintains that the lawyer did not like him or approve of his politics. When he asked his

appointed attorney for substitute counsel, the attorney purportedly retaliated against him by requesting an aid and assist evaluation. Plaintiff asserts that the physician who conducted the aid and assist evaluation (in which Plaintiff refused to participate) conspired with defense counsel, and that the trial judge “finalized” the conspiracy when she concluded he was not able to aid and assist in his defense. Plaintiff represents that his lawyer then called him at the Jail and said, “(HA HA Mr. Campbell) The courts won’t listen to you, and the Bar Association won’t believe you.” Complaint (#1), p. 26.

Plaintiff also alleges that “the United States Veterans Administration is the Absolute Chief in the Chain of Conspirators to these and other events. . . .” *Id* at 21. He states that in 2017, a man named “Ian” stabbed him 25 times on behalf of the Veterans Administration, and that a physician with the Veterans Administration threatened to kill him during a surgical procedure. Plaintiff alleges that this conspiracy, including the Circuit Court’s determination that he is not able to aid and assist in his defense, violates the First, Fourth, Fifth, Sixth, Eighth, Ninth, Thirteenth, and Fourteenth Amendments. He therefore asks the Court to require the State of Oregon to immediately release him from custody.

STANDARDS

Pursuant to 28 U.S.C. § 1915A(a), the court is required to screen prisoner complaints seeking relief against a governmental entity, officer, or employee and must dismiss a complaint if the action is frivolous, malicious, or fails to state a claim upon which relief may be granted. 28 U.S.C. §§ 1915(e)(2)(B) and 1915A(b). A complaint is frivolous under 28 U.S.C. § 1915(e) “where it lacks an arguable basis either in law or in fact.” *Neitzke v. Williams*, 490 U.S. 319, 325 (1989). A court may dismiss a claim if it finds the facts alleged are “clearly baseless.” *Id* at 329.

Such a finding is appropriate where the allegations are fanciful, fantastic, or delusional. *Id* at 325, 328. A court may not, however, dismiss a complaint simply because it finds the allegations to be unlikely. *Denton v. Hernandez*, 504 U.S. 25, 33 (1992).

DISCUSSION

The Court finds Plaintiff's allegations of a vast conspiracy against him to be both fanciful and wholly incredible. Accordingly, the Court dismisses the Complaint on the basis that it is frivolous pursuant to 28 U.S.C. § 1915(e)(2).

CONCLUSION

Based on the foregoing, IT IS ORDERED that Plaintiff's Complaint (#1) is DISMISSED for failure to state a claim. Plaintiff's pending Motions for Appointment of Counsel (#2), Motion for Immediate Release (#4), and Motion for Injunctive and for Immediate Relief (#5) are denied. Additionally, for the reasons set forth above, this Court certifies that any appeal from this Order would not be taken in good faith. *See* 28 U.S.C. § 1915(a)(3); Fed. R. App. P. 24(a)(3)(A).

IT IS SO ORDERED.

January 12, 2023

DATE

Marco Hernandez
Marco A. Hernandez
United States District Judge